

DISCLAIMER

This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 26, 2001

PETITION OF

FOX RUN WATER COMPANY, INC.,

and

CASE NO. PUE010069

WARREN LAND COMPANY, INC.,

For approval of the transfer of water
utility assets and for certificates
of public convenience and necessity
pursuant to §§ 56-265.2 and
56-265.3 of the Code of Virginia

ORDER FOR NOTICE AND COMMENT

On February 6, 2001, Fox Run Water Company, Inc. ("Fox Run" or the "Company"), and Warren Land Company, Inc. ("Warren Land"), (collectively referenced as "Petitioners") filed a petition requesting Commission approval pursuant to Chapter 5 of Title 56 of the Code of Virginia for Fox Run to acquire, and for Warren Land to dispose of, all of the water utility assets in the Merrymount Subdivision of Mecklenburg County, Virginia. Fox Run also requests, pursuant to §§ 56-265.2 and 56-265.3 D, authority to acquire the existing water facilities in the above-referenced subdivision and to amend its certificate of public convenience and necessity to include Merrymount customers.

Fox Run proposes billing customers at the Company's existing tariff rates, rules, and regulations.¹ The water connection charge of \$1,500.00, which customers in the subdivision currently pay, would remain the same. However, Fox Run's tariff will result in the single and multi-family residential flat water rate increasing from \$8.00 per month to \$15.00 per month for Merrymount customers. Customers will be required to pay a \$30.00 meter testing charge for any tests conducted when a prior meter test has been conducted within the past 24 months, unless the meter is found to have an average error greater than 2%, in which case the test will be at no charge to the customer. In addition, there will be a \$30.00 turn-off charge when it is necessary to remove the meter or otherwise disconnect water service at the customer's premises, and a \$30.00 turn-on charge when service that has been discontinued because of violation of Fox Run's rules and regulations, nonpayment of a bill, or customer request is resumed. The Company's current tariff also includes the following new charges for Merrymount customers: a customer deposit not to exceed the customer's estimated bill for two months' usage, a 1 1/2% per month late payment fee, and a \$6.00 bad check charge.

¹ By Letter sent March 15, 2001, Fox Run stated that it will not make the availability fee contained in the Company's existing tariff rates, rules, and regulations applicable to customers in the Merrymount Subdivision.

NOW THE COMMISSION, having considered the petition and applicable law, is of the opinion that this matter should be docketed, notice should be given, and interested persons should have an opportunity to comment and request a hearing.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) This matter shall be docketed as Case No. PUE010069.

(2) Petitioners shall make a copy of their application, exhibits, and tariff available for public inspection during regular business hours at the Company's office at 2478 Alvis Road, Blackridge, Virginia, during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The petition also is available for public inspection during regular business hours at the State Corporation Commission, Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia 23219.

(3) On or before April 16, 2001, the Company shall mail the following notice to all of Fox Run's customers in the Merrymount Subdivision in Mecklenburg County, Virginia:

NOTICE OF PETITION OF
FOX RUN WATER COMPANY, INC.,
AND WARREN LAND COMPANY, INC.,
FOR APPROVAL OF THE TRANSFER OF
WATER UTILITY ASSETS AND FOR
CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY
CASE NO. PUE010069

Notice hereby is given that Fox Run
Water Company, Inc. ("Fox Run" or the

"Company"), and Warren Land Company, Inc. ("Warren Land"), filed a petition requesting State Corporation Commission approval for Fox Run to acquire, and for Warren Land to dispose of, all of the water utility assets in the Merrymount Subdivision of Mecklenburg County, Virginia. Fox Run also requests, pursuant to §§ 56-265.2 and 56-265.3 D, authority to acquire the existing water facilities in the above-referenced subdivision and to amend its certificate of public convenience and necessity to include Merrymount customers.

Fox Run proposes billing customers in the Merrymount Subdivision at the Company's existing tariff rates and terms and conditions of service, but will not apply the availability fee contained therein. The water connection charge of \$1,500.00, which customers in the subdivision currently pay, would remain the same. However, Fox Run's tariff will result in the single and multi-family residential flat water rate increasing from \$8.00 per month to \$15.00 per month for Merrymount customers. Customers will be required to pay a \$30.00 meter testing charge for any test conducted when a prior meter test has been conducted within the past 24 months, unless the meter is found to have an average error greater than 2%, in which case the test will be at no charge to the customer. In addition, there will be a \$30.00 turn-off charge when it is necessary to remove the meter or otherwise disconnect water service at the customer's premises, and a \$30.00 turn-on charge when service that has been discontinued because of violation of Fox Run's rules and regulations, nonpayment of a bill, or customer request is resumed. The Company's current tariff also includes the following new charges for Merrymount customers: a customer deposit not to exceed the customer's estimated bill for two months' usage, a 1 1/2% per month late payment fee, and a \$6.00 bad check charge.

A copy of the petition and Fox Run's tariff rates, rules, and regulations are available for public inspection during regular business hours at the Company's office at 2478 Alvis Road, Blackridge, Virginia, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The petition is also available for public inspection Monday through Friday, 8:15 a.m. to 5:00 p.m., at the State Corporation Commission, Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia.

Comments on this petition must be submitted to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 on or before May 14, 2001. Requests for hearing must also be received by the Clerk on or before May 14, 2001. All correspondence should refer to Case No. PUE010069. A copy of the comments or requests for hearing must also be sent to Bernard A. Nash, President, Fox Run Water Company, Inc., P.O. Box 69, Ebony, Virginia 23845.

If no sufficient request for hearing is received, a formal hearing with oral testimony may not be held, and the Commission may make its decisions based upon papers filed in this proceeding.

FOX RUN WATER COMPANY, INC., AND WARREN LAND COMPANY, INC.

(4) The Petitioners shall forthwith serve a copy of this Order on the Chairman of the Board of Supervisors and upon the Mayor or Manager of any county, city, or town (or equivalent officials in counties, towns, and cities having alternate forms of government) lying within Fox Run's service area. Service

shall be made by first-class mail or delivery to the customary place of business or residence of the person served.

(5) On or before May 14, 2001, the Petitioners shall provide the Commission with proof of notice required in Ordering Paragraphs (3) and (4).

(6) On or before May 14, 2001, any interested person wishing to comment on the petition shall address such comments to: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and shall refer to Case No. PUE010069. A copy of such comments simultaneously shall be sent to the Company as follows: Bernard A. Nash, President, Fox Run Water Company, Inc., P.O. Box 69, Ebony, Virginia 23845.

(7) On or before May 14, 2001, any person desiring a hearing in this matter shall file a request for hearing in writing with the Clerk of the Commission at the address set forth above, and shall refer to Case No. PUE010069. A copy of such request simultaneously shall be sent to the Company as follows: Bernard A. Nash, President, Fox Run Water Company, Inc., P.O. Box 69, Ebony, Virginia 23845.

(8) Appropriate members of the Commission's Staff shall review the petition and shall submit, on or before June 1, 2001, a report presenting their findings and recommendations.

(9) On or before June 15, 2001, the Petitioners and interested persons shall file a response, if any, to the Staff Report.

(10) This matter is continued for further orders of the Commission.